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# BULLETIN

COMMISSIONER OF
CAMPAIGN FINANCES AND PRACTICES

JOHN N. HANSON
COMMISSIONER
CAPITOL STATION
HELENA, MONTANA 59601
(406) 449-2942

No. 2 March 17, 1976

## ADOPTED ADVISORY OPINIONS

The proposed advisory opinions, numbered P-76-011 through P-76-005, which were published in issue No. 1 of the Bulletin, have been formally considered and adopted, in essentially the same form as proposed, by the Commissioner with the approval of the advisory committee. Because these particular opinions deal with matters of general interest, we are including a short summary of their content in this bulletin. Persons interested in obtaining a full copy of the adopted advisory opinions may use the order coupon at the back of this issue of the bulletin.

AO-76-001 Clark Pyfer, Montana Republican Central Committee; and Mike Pichette, Montana Democratic Central Committee

(1) A group of individuals or a person other than an individual becomes a political committee if it makes an expenditure:

(a) to or on behalf of a candidate, or a committee organized on behalf of a candidate; or,

(b) on behalf of a ballot issue, or to or on behalf of a committee organized to support a ballot issue, or petition for ballot issue or nomination; or,

(c) as an earmarked contribution.

(section 23-4777(a), R.C.M. 1947)

(2) The first report of a political committee ends on the closing date of books of the reporting period in which the expenditure is made.

(section 23-4778(8), R.C.M.; MAC 44-3.10(10)-S10190)

(3) A political committee which files an initial report shall file all subsequent reports, except that if a committee receives no contributions, makes no expenditures nor contracts any obligations receivable or payable during the period, it need only include a statement to that effect on the certified Form C-5 for that reporting period.

(sections 23-4778 and 4779, R.C.M.)

(4) A political committee may file a closing report at any time after it ceases to participate in a campaign, if:

(a) its account in the campaign depository is closed; and

(b) no debts are owing to or payable by it.

(5) The reporting period for a committee which remains in existence and participates in a subsequent election begins on the day after the closing date of books of the most recently filed report, and ends with the closing date of books of the reporting period in which an expenditure, as set forth in (1) of this opinion, is made.

AO-76-002 Clark Pyfer, Montana Republican Central Committee, and Mike Pichette, Montana Democratic Central Committee

A candidate for precinct committeeperson is not required to file any statements or reports of the Campaign Finance Act.

(section 23-4777(1) and (5), R.C.M.)

AO-76-003 Ernie Post, Montana AFL-CIO

The term "expenditure" does not include the cost of any communication by any membership organization to its members, unless such organization is a primary political committee.

(section 23-4777(7), R.C.M.; MAC 44-3.10(6)-S1080)

AO-76-004 Thomas Dowling, individual

Stationery letterhead containing a slogan, the tendency of which is to influence the result of an election, must carry on its face the name and address of the publisher, and the name of the printer only if it is disseminated to the general public. The typical "printers bug" does not satisfy the requirement that the name of the printer appear thereon.

AO-76-005 Charles Mahoney, individual; and Thomas Rasmussen, candidate

A candidate whose name does not appear on the ballot at a particular election need not file the pre and immediate post-election reports required by section 23-4778(3) or (4), for that election.

(section 23-4778(3) and (4), R.C.M.)

## NOTICE OF MEETING

10:00 a.m. - March 31, 1976
Room 405, Capitol Building
Helena, Montana

## PRELIMINARY AGENDA

1. Adoption of Minutes of previous meeting.

2. Consideration of proposed advisory opinion drafts.

P-76-006 Robert VanDeVere, candidate

The distribution to voters of a cardboard nail file, as part of a campaign effort, does not violate section 23-4745, R.C.M., "Treating".

P-76-007 Daphne Bugbee, state senator

The cost of a letter sent by an incumbent who is not a candidate for re-election, which is paid for from personal funds, and which does not expressly advocate the re-election of the incumbent, is not a reportable "expenditure" under the Montana Campaign Finance Act.

(section 23-4777(7) and 23-4778(8)(a), R.C.M.)

P-76-008 Tom Winsor, Montana Chamber of Commerce

The chamber is a non-profit corporation and distributes material to its members and others, which discusses legislative issues and shows voting records of representatives.
CONCLUSIONS: Section 23-4744, R.C.M. 1947, "Contributions by Corporations, Public Utilities, and Others", is not violated by the distribution to members, of communications which discuss issues and do not expressly advocate the election or defeat of a particular candidate or ballot issue.

P-76-009 Joe Brand, Transportation Political Education League (TPEL)

TPEL collects voluntary political contributions from Union members and contributes to various political campaigns. As such the TPEL is a Montana "political committee" as defined in the Campaign Finance Act, and must comply with the requirements of that Act.

(section 23-4777(9), R.C.M.)

3. Consideration of requests for advisory opinions.

R-76-009 For Discussion.

A request for advisory opinion has been received from Anaconda Concerned Citizens' Fund (CCF) as to the legality, under 23-4744, "Contributions by Corporations, Public Utilities and Others", of an arrangement whereby CCF will collect voluntary contributions from Anaconda employees and transfer the money to designated candidates or committees as the employees may specify. Other contributions which are not designated by the employee will be administered by the CCF and expended as contributions by decision of the CCF.

If you wish to present your views or opinions on any matter scheduled on the agenda, you are invited to do so at the meeting or by calling 449-2942. In addition, written views may be submitted to the Advisory Committee, P. O. Box 39, Capitol Station, Helena, Montana 59601. Copies of the complete text of any advisory opinion request, proposed advisory opinion, or adopted advisory may be obtained by completing the attached order coupon.

# ORDER COUPON

Please use this coupon to request adopted advisory opinions, proposed advisory opinion drafts, and requests listed on the agenda for the meeting of the Advisory Committee on March 31. No charge for these is contemplated unless mailing and production costs continue to escalate. Please be selective in your requests. Mail your requests to:

Commissioner of Campaign
Finances & Practices
P. O. Box 39
Capitol Station
Helena, Montana 59601

ADVISORY OPINIONS:

_____ AO-76-001

_____ AO-76-002

_____ AO-76-003

_____ AO-76-004

_____ AO-76-005

DRAFT OPINIONS:

_____ P-76-006

_____ P-76-007

_____ P-76-008

_____ P-76-009

OPINION REQUESTS:

_____ R-76-009

NAME: _____

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